

## **Pt. 5**

Injury Compensation Program and of related filings, whether by mail or in person, shall be upon the Director, Bureau of Health Professions, 5600 Fishers Lane, Suite 8-05, Rockville, Maryland 20857.

[53 FR 49552, Dec. 8, 1988]

## **PART 5—FREEDOM OF INFORMATION REGULATIONS**

### **Subpart A—Basic Policy**

Sec.

- 5.1 Purpose.
- 5.2 Policy.
- 5.3 Scope.
- 5.4 Relationship between the FOIA and the Privacy Act of 1974.
- 5.5 Definitions.

### **Subpart B—Obtaining a Record**

- 5.21 How to request records.
- 5.22 Requests not handled under the FOIA.
- 5.23 Referral of requests outside the Department.
- 5.24 Responding to your request.

### **Subpart C—Release and Denial of Records**

- 5.31 Designation of authorized officials.
- 5.32 Release of records.
- 5.33 Denial of requests.
- 5.34 Appeal of denials.
- 5.35 Time limits.

### **Subpart D—Fees**

- 5.41 Fees to be charged—categories of requests.
- 5.42 Fees to be charged—general provisions.
- 5.43 Fee schedule.
- 5.44 Procedures for assessing and collecting fees.
- 5.45 Waiver or reduction of fees.

### **Subpart E—Records Available for Public Inspection**

- 5.51 Records available.
- 5.52 Indexes of records.

### **Subpart F—Reasons for Withholding Some Records**

- 5.61 General.
- 5.62 Exemption one: National defense and foreign policy.
- 5.63 Exemption two: Internal personnel rules and practices.
- 5.64 Exemption three: Records exempted by other statutes.
- 5.65 Exemption four: Trade secrets and confidential commercial or financial information.

## **45 CFR Subtitle A (10-1-99 Edition)**

- 5.66 Exemption five: Internal memoranda.
- 5.67 Exemption six: Clearly unwarranted invasion of personal privacy.
- 5.68 Exemption seven: Law enforcement.
- 5.69 Exemptions 8 and 9: Records on financial institutions; records on wells.

AUTHORITY: 5 U.S.C. 552, 18 U.S.C. 1905, 31 U.S.C. 9701, 42 U.S.C. 1306(c), E.O. 12600.

SOURCE: 53 FR 47700, Nov. 25, 1988, unless otherwise noted.

### **Subpart A—Basic Policy**

#### **§ 5.1 Purpose.**

This part contains the rules that the Department of Health and Human Services (HHS) follows in handling requests for records under the Freedom of Information Act (FOIA). It describes how to make a FOIA request; who can release records and who can decide not to release; how much time it should take to make a determination regarding release; what fees may be charged; what records are available for public inspection; why some records are not released; and your right to appeal and then go to court if we refuse to release records.

#### **§ 5.2 Policy.**

As a general policy, HHS follows a balanced approach in administering FOIA. We not only recognize the right of public access to information in the possession of the Department, but also protect the integrity of internal processes. In addition, we recognize the legitimate interests of organizations or persons who have submitted records to the Department or who would otherwise be affected by release of records. For example, we have no discretion to release certain records, such as trade secrets and confidential commercial information, prohibited from release by law. This policy calls for the fullest responsible disclosure consistent with those requirements of administrative necessity and confidentiality which are recognized in the Freedom of Information Act.

#### **§ 5.3 Scope.**

These rules apply to all components of the Department. Some units may establish additional rules because of unique program requirements, but such rules must be consistent with these